THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 19th day of November,2007

W.P.No.25505 of 2006

Between:-

M. Indira … Petitioner

and

The District Collector, Medak
District at Sanga Reddy
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.25505 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of respondents 1 to 3 in appointing the 4th respondent as Anganwadi Worker of Ismailkhanpet village, Sangareddy Mandal, Medak District as arbitrary, illegal and contrary to the Notification dated 7-11-2005 and consequently to direct official respondents to forthwith reconsider the case of the petitioner for appointment as Anganwadi Worker of the said village.

It appears, notification dated 7-11-2005 was issued by the 3rd respondent inviting applications for appointment to the post of Anganwadi Worker of Ismailkhanpet village, Sangareddy Mandal, Medak District. Petitioner as well as the 4th respondent along with others applied for the said post. A call letter dated 19-12-2005 was received by the petitioner asking her to attend for the interview scheduled on 24-12-2005. Petitioner as well as the 4th respondent appeared for the interview. But, the 4th respondent was appointed as Anganwadi Worker of the said village on 10-2-2006. On coming to know of the same, on 27-2-2006 petitioner made a complaint stating that the 4th respondent is not the resident of Ismailkhanpet village and she is the resident of Goudicherla village. Further, petitioner also made representations on 8-5-2006, 3-7-2006, 18-9-2006 and 27-11-2006 asking respondents 1 to 3 to reconsider her case by

examining as to the residential status of the 4th respondent. However, ultimately, the official respondents rejected the case of the petitioner on 22-4-2006 saying that the post of Anganwadi Worker is already filled up and the Sarpanch issued residential certificate confirming that the 4th respondent is residing at House No.4-46, Ismailkhanpet village. Aggrieved by the same, the present Writ Petition is filed.

This Court, on 22-3-2007 in W.P.M.P. No.32687 of 2007 issued interim directions to official respondents to consider the said representations of the petitioner by conducting an enquiry into the residential status of the 4th respondent and to disqualify her from holding the post of Anganwadi Worker of Ismailkhanpet village, Sanga Reddy Mandal, Medak District and appoint the petitioner in the said post forthwith. It appears, thereafter, petitioner has filed a contempt case being C.C.No.681 of 2007. In view of filing of the said contempt case, it appears, respondents 1 to 3, though conducted some enquiry, have appointed the petitioner as Anganwadi Worker. According to the respondents, an enquiry was conducted and it was in favour of the 4th respondent. But the petitioner was appointed, in view of the interim orders of this Court, subject to result of the petitioner. Now, a vacate stay petition is filed by respondents 2 and 3 along with a counter. With the consent of both the parties, the Writ Petition is disposed of finally at this stage itself.

Learned counsel for the petitioner was able to demonstrate that as per the letter of Project Director, District Women and Child Development Society, Sanga Reddy, Medak District – 2nd respondent herein, the Sarpanch of Ismailkhanpet village had issued a residential certificate confirming that the 4th respondent is residing at Door No.4-46 of Ismailkhanpet village; whereas, according to the voters' list,

wherein the name of the 4th respondent was shown at Serial No.775, she is a resident of Goudicherla village. This Court does not know whether the certificate said to have been issued by the Sarpanch, Ismailkhanpet village is wrong or the said voters' list is wrong. That apart, what exactly is the enquiry conducted by respondents 1 to 3 in pursuance of the interim order of this Court is not known. May be, to get away from the contempt proceedings, the official respondents have issued appointment orders in favour of the petitioner. But, absolutely, even before this Court, no enquiry report is placed to show that whether the 4th respondent is a resident of Goudicherla village, which is a hamlet of Ismailkhanpet village. This itself would show that no proper enquiry was conducted by respondents 1 to 3 in pursuance of the interim orders passed by this Court earlier. Under these circumstances, I am of the opinion that respondents 1 to 3 should enquire into the matter afresh and pass appropriation orders by furnishing reasons.

In view of the above, the Writ Petition is disposed of directing respondents 1 to 3 to conduct a detailed enquiry into the residential status of both the petitioner as well as the 4th respondent and also their eligibility for being appointed as Anganwadi Worker of Ismailkhanpet village, Sangareddy Mandal, Medak District by issuing notices to them and after hearing them personally and also looking into the documentary evidence, if any placed before them. The said exercise shall be completed within a period of three weeks from the date of receipt of a copy of this Order. Till such time, neither the petitioner nor the 4th respondent shall be allowed to function as Anganwadi Worker of Ismailkhanpet village. There shall be no order as to costs.

19-11-2007

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